

Mills - redirect
Toolan - direct

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A She was buried from Hubbard's Undertakers establishment.

Q Do you know whether there was any autopsys? Did you make any inquiry as to how she had been killed?

A Yes, I asked Dr. Cronk.

Q You made inquiry from him?

A Yes.

(At this time a recess was taken until
1.30 P. M.)

A F T E R N O O N S E S S I O N, 1.30 P. M.

J O H N E. T O O L A N, a witness produced on behalf of the state, being duly sworn according to law upon his oath testified as follows:

DIRECT EXAMINATION BY MR. SIMPSON:

Q You are the prosecutor of Middlesex County, aren't you? A I am.

Q And at the time of this murder you were the prosecutor?

A I was.

Q You had personal charge of this investigation, didn't you?

A Not the investigation was under the prosecutor, Beekman. I did interrogate a great number of witnesses.

Q Did you interrogate on the 23rd of September, Mrs. Edward Hall, widow of Reverend Hall?

A I did.

Q And was that examination taken down by any stenographer?

A It was.

Q Who was the stenographer? A Anthony Silzer.

Q You of your own personal knowledge have no knowledge, you yourself don't remember the result?

A I don't remember the particular questions and answers, no. I do remember I interrogated her and it was taken down by Mr. Silzer.

Q Do you remember whether you asked her anything about these letters that you found on the dead body?

A I can't recollect at the time, whether I did or not.

Q Who was the stenographer who took her examination?

A Anthony Silzer. He was regularly employed in our office.

Q He is present in Court? A He is present.

MR. SIMPSON: That is all I want the prosecutor.

CROSS EXAMINATION BY MR. PFEIFFER:

Mr. Toolan, on September 23rd, Mrs. Hall made a statement to you, that is the one to which Mr. Simpson is

apparently referring? A Yes.

Q Was any lawyer present representing Mrs. Hall?

A No sir.

Q And did Mrs. Hall make that statement voluntarily to you, in your presence, without even asking that a lawyer be present?

A I cannot recall at this day whether she asked or not, but I took it that she didn't, because if she did, we probably would have permitted her to have someone present.

Q And the fact is there was no counsel present acting for her at the time this examination was taken?

A That is true.

Q And did Mrs. Hall answer all the questions that were asked her? A She did.

Q Did you ask Mrs. Hall to produce any clothing or any letters or anything else that she might have in her possession at that time?

A There was a request made of the Hall's prior to that time to produce anything and everything that they had that might in any way assist the authorities. There was never anything, that I know of produced, to the authorities.

Q Well, do you remember that some time, either before

or after the 23rd the detectives David and Totten, I think, came to the Hall house and made a search of Dr. Hall's desk and that they took some papers and took them back to your office? Do you recall that incident?

A I know that I was there personally, I believe, prior to the 23rd day of September. I may not be accurate about that, that is a matter of recollection, and personally went through Dr. Hall's desk and study for the purpose of looking over anything that we might be able to find of value to the state.

Q Did Mrs. Hall by word or act, hinder - your office, or any representative of the state in any manner in acquiring any information or any facts which was in her possession in the house?

MR. SIMPSON: I object to that. How can he tell? That is a conclusion.

MR. PFEIFFER: I will withdraw the question

MR. SIMPSON: I don't object to him telling what he did.

Q Did Mrs. Hall in any way attempt to prevent you from making the search of anything in the house?

A Not after we got in, although I will say that they didn't invite us up to the house and it was only as

a result of a little subterfuge that we were finally admitted into the house.

Q Do you mean to say, Mr. Toolan that you as prosecutor and the other persons did not go to the house and say that you ~~wished~~ wished to make a search, that you had a right to make the search and did go in and make it?

A We obtained entrance in the house through and interview that we arranged with Mrs. Sallie Peters at hte
at
prosecutor's office and/which interview we inquired if the Hall family was interested in ascertaining who was responsible for the murder and after being assured that they were interested we then inquired whether or not they would do anything and everything they could to assist the authorities in solving the murder. Miss Peters assured us that they would. We then said, " All right, if that is so we want to go through the Hall home immediately." Miss Peters then said Mrs. Hall was indisposed and asked us not to go that day. In the meantime I put my hat and coat on and said, " I want to go now." We went out in the car and we went up to the Hall Home and we started through the home. That is the exact situation.

Q Is there any subterfuge about that?

A The subterfuge was this; after we said we wanted to go

through the Hall home immediately, that Mrs. Hall was indisposed and asked us not to disturb her that day. When we got there Mrs. Hall came in and sat down ~~and~~ alongside of me while I was going through the papers in Dr. Hall's desk.

Q Are you able to say that Mrs. Hall was not ill during the course of this investigation four years ago?

A Oh, no , except when she came in and sat down alongside of me, of course, she didn't look to me as though she was ill or indisposed.

Q As far as you couldsee you don't think so?

A I didn't think so.

Q Well, now, Mr. Toolan subsequently and after I got in the case you sent word that you would like to speak with Mrs. Hall again, did you not, and asked her to come down to the Court House and she did go to the Court House and a statement was taken at such a time, do you recall that?

A It might have been, I really don't recall whether I personally interrogated her a second time or not. My recollection is not clear enough at this time for me to answer yes or no.

Q Aren't you able to state of your own knowledge that Mrs. Hall did go a second time to the prosecutor's

office?

A I believe she was interrogated subsequently.

Q That was taken down stenographically?

A I believe so.

Q There was no attorney who at that time made a demand that he be present at the time Mrs. Hall was interrogated by the authorities, was there?

A As to that I haven't a specific recollection about it, I would rather not state. I don't have a definite recollection and I don't want to state whether she did or whether she didn't.

Q Well, can you tell from statements that you saw subsequently, who it was that did take that second examination of Mrs. Hall?

A No, I cannot.

Q You don't recall the fact that I went to the prosecutor's office with Mrs. Hall? And sat outside while she was interrogated by the prosecution?

A I don't have that recollection. That might have happened, I don't say it didn't, I just don't recollect.

Q It did, Mr. Toolan. And after September 23rd you interrogated William Stevens once, didn't you?

A Yes. I say I did. I presume it was after September 23rd I did interrogate him.

Q Will you tell me whether there was any lawyer representing Mr. Stevens present?

MR. SIMPSON: I object to that.

Q When you interrogated him?

MR. SIMPSON: I have attracted his attention to one interview with Mrs. Hall which I have the minutes. Counsel has cross examined him about Sallie Peters. I haven't objected because I want to ask a few questions now about Sallie Peters, but I haven't asked him anything about a statement of Willie Stevens.

THE COURT: The objection is that it is not cross examination? I take it?

MR. SIMPSON: Yes.

THE COURT: That is true, and I will sustain it.

MR. PFEIFFER: All right, that is all.

REDIRECT EXAMINATION BY MR. SIMPSON:

Q Now, let us get back to this Sallie Peters. Do you remember how long after the murder you were taking to Sallie Peters. I mean approximately? Is it before this statement or after?

A It strikes me it was before the 23rd.

Q Now, she was a resident of the house, wasn't she?

Or lived in the house or was an intimate of Mrs. Hall?

A Well, on information I believe she was.

Q Well, you talked to her and she was making arrangements for Mrs. Hall?

A Yes.

Q Now, when she said to come to the house anytime, then, did she go out and telephone before she came back?

And then tell you not to go that Mrs. Hall was ill?

A I do believe she did go to the telephone and spoke to the Hall home and came back and said -

Q You had better not go through that day because Mrs. Hall was ill? A Yes.

Q Then you said you would go there today? A Yes.

Q And when you got up to the house and saw Mrs. Hall did she show any signs of being ill to you?

A No.

Q Was she white or weak or seemed to be in pain?

A She didn't impress me so.

Q Was she fully dressed? A She was.

Q What happened when you got to the house?

And when you found she wasn't sick? What happened between you and her? Did she let you in or a servant or who let you in?

A She didn't let us in. I was up in the Doctor's study going through the desk when she came in and sat down

immediately alongside of me.

Q And ~~what~~ watched you?

A Apparently watched what I was doing.

Q And what was the subterfuge by which you got in the house?

MR. PFEIFFER: If your honor please, the form of the question is objectionable. It seems to me it is a direct characterization by Mr. Simpson -

MR. SIMPSON: It is the witnesses own characterization?

MR. PFEIFFER: "What was the subterfuge?" I think the witness might be permitted to testify once in a while instead of Mr. Simpson.

MR. SIMPSON; I am sorry I am getting under his skin but it is the word of the witness.

THE COURT: He is cross examining the witness who testified that he got in by subterfuge. I will permit it.

A I mean - that up until that time we hadn't gone through the Hall home. We didn't want to make application for a search warrant to go through the Hall home because we didn't feel at that time like showing our hand that clearly. We therefore wanted to get permission

by some means or method to go through the Hall home and therefore asked to have Miss Sallie Peters come to the office and interrogated her concerning the interests of the Halls and the apprehension of the guilty parties -

Q When you got to the house, what I am trying to get, what I am trying to get clear in my mind, when you got to the house did you walk right in? Did you have to give some excuse or how did you get in?

A We were admitted, I believe, thru Miss Peters good offices at the door by one of the servants.

Q She was with you? A She was with us.

Q And that is after you said, " ~~xxxx~~ I am going to stay," and she went with you?

A Yes.

Q And then the servants let you in and you proceeded directly to Dr. Hall's study? A Yes.

Q How long were you examining his papers before Mrs. Hall entered and sat down alongside of you?

A I was there about ten minutes or so.

Q Did she say why she didn't want you to examine the papers unless you were under surveillance by her?

MR. PFEIFFER: I think there is an implication in that question. I think the prosecutor should be warned about asking that kind of question of the witnesses.

MR. SIMPSON: If you warn me I will get terribly frightened.

MR. PFEIFFER: Will you honor rule on that question? (

Q (Question read by the stenographer?)

MR. SIMPSON: I submit there is nothing wrong with that question? I didn't make him bring this out. That proof, that is on cross examination that he went to the house and that he ~~was~~ asked not to go in because Mrs. Hall was sick and that he got in and found that she was not sick and that we went directly up to the Doctor's private study, as a good lawyer, knowing the importance of tracing these letters and when he sat down alongside of the desk, immediately Mrs. Hall appears and sits alongside of him. Haven't I a perfect right to ask what Mrs. Hall said about allowing him to examine these papers, he being prosecutor, whether she was willing to let him examine these papers without surveillance?

MR. PFEIFFER: If your honor please, Mr. Simpson is a little inaccurate about his statements. Mr. Toolan has just said that he sat at Dr. Hall's desk ten minutes before Mrs. Hall came in; Mrs.

Mr. Simpson says the witness - Mrs. Hall came in immediately after he sat down. Now, I am not attempting to be technical here but I do ask that fair questions be asked?

THE COURT: Read the question once more, Mr. Stenographer.

Q (Question read by the stenographer?)

THE COURT: I will permit the question.

A She didn't say that.

Q You were there as an officer of the law? A Yes.

Q What attitude did you take when this woman who was supposed to be sick came in watching everything you did?

A I proceeded to examine everything in the desk, just as though she weren't there

Q How long were you there?

A I think/^{we}were in the house altogether about an hour.

Q Understand, I am not criticizing you. You said you didn't apply for a search warrant and that was because you didn't want to show your hand. The office didn't want to show its hand, will you explain what you mean by that?

A It was then an early date in the investigation and we felt that investigating what apparently was a mystery, we certainly ought to have an open mind. We didn't want to do anything that would indicate that we in anywise

at that early date, thought the Hall's were responsible for the death of these people unless we had something to sustain our line of thought and action.

Q That is the reason you didn't get any search warrant?

A Yes.

Q The search warrant could have been obtained, couldn't it by a prosecutor without any notoriety and then you could have gotten in and nobody but you and the Hall's know anything about you being in the house?

A Except in the investigation there was nothing ^{in there that was} done by anybody that was not known to everybody.

Q The same as it is in this case? A Yes.

Q N_ow, this conversation with Sallie Peters, do you remember any of that conversation in which you spoke about the house? Mr. Pfeiffer has asked you about the talk with Sallie Peters. Do you remember anything more about it? I want to direct your attention especially to this; did Sallie Peters say anything about having heard these letters, these alleged love letters from Mrs. Mills to Dr. Hall read to her by Mrs. Hall?

A I never recollect her having told me that she --

A You mean Mrs. Hall read them?

Q Read them or discussed them with her?

A No, I never remember her having said that to me.

Q How did Sallie Peters come to be in the office to do this negotiation?

A Because through previous efforts to get in touch with and talk with members of the Hall family we found we always had to do business through Sallie Peters.

Q That is, they wouldn't talk direct? A No.

Q Now, do you remember what papers you did find in the doctor's study?

A I remember we didn't find any papers at all that I thought of sufficient value to remove.

Q You didn't find any love letters? A No.

Q How many days had elapsed since the murder before you made your search?

A My best recollection is that we went in the Hall home about a week after the murder was committed. I say that because the first interest either Prosecutor Stricker or I took in the case was on Wednesday following because we considered it a Somerset County Case and we did not interfere or take any interest until we found as a matter of local color that we were going to be compelled to.

MR. SIMPSON: That is all.

RE CROSS EXAMINATION BY MRS. PFEIFFER:

Q So that at least a week had elapsed after the murder